IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4873 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VISHAL ROHITKUMAR RUNDHIYA & 1 - Applicant(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

HL PATEL ADVOCATES for Applicant(s) : 1 - 2.
MR HL JANI for Respondent(s) : 1,
RULE SERVED BY DS for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 05/10/2005

ORAL JUDGMENT

1.The petitioners have filed this petition under Section 482 of the Criminal Procedure Code for quashing and setting aside the complaint lodged with Raopura Police

Station being C.R. No. I-74 of 2005 under Sections 366 and 114 of the Indian Penal Code.

2.This court has issued rule on 05.05.2005 and stay was granted against further proceedings of the said criminal complaint. Today, when the matter is called out both the petitioners have personally remained present. They are majors and they got married with each other and are living together for the last about six months. The complaint was filed by the father of the girl-petitioner no.2 i.e. Shaikh Reshmabanu Mukhtarhussain. Despite service of rule on original complainant-present respondent no.2, nobody appears on behalf of the respondent no. 2 and he is also not present when the matter is called out.

3.Since both the petitioners are major and they have legally married the court does not find any substance in the charge leveled against the petitioner no.1 in the complaint filed by the father of the petitioner no.2.

4.After having gone through the contents of the complaint and after ascertaining from the petitioners who are present before the court and are identified by the

learned advocate appearing for the petitioners, the court hereby allows this petition and complaint being I-74 of 2005 lodged with the Raopura Police Station, Vadodara under Section 366 and 114 of the Criminal Procedure Code is hereby quashed and set aside. Rule made absolute to the above extent with no order as to costs. Direct service permitted.

(K.A. PUJ, J.)

Divya//